

STATE/NATIONAL

# Government to probe misconduct

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HOUSTON — The Justice Department's Office of Professional Responsibility will investigate allegations of prosecutorial misconduct in the 1983 arms-dealing case against former CIA officer Edwin P. Wilson, government attorneys acknowledged in a court filing Thursday.

The disclosure comes in the Justice Department's response to a Wilson motion to hold 17 current and former CIA and Justice officials in contempt of court for allegedly hiding evidence that would have helped his defense.

"The allegations of this case have been referred to (the Office of Professional Responsibility), which will conduct a thorough investigation at the conclusion" of Wilson's appeal, a footnote near the end of the government's eight-page motion says.

Wilson, 71, is appealing his federal conviction for illegally shipping 20 tons of plastic explosives to Libya from Houston's Intercontinental Airport.

Wilson alleges prosecutors introduced into evidence a crucial affidavit by then-CIA Executive Director Charles A. Briggs even though they knew it was false.

Last month, Wilson asked U.S. District Court Judge Lynn N. Hughes to sanction a list of people that included two federal judges, a former CIA associate deputy director, top Justice Department attorneys and a former independent counsel.

The bulk of the Justice Department response argues most of the federal contempt statute does not apply to 16 of the 17 officials named by Wilson.

The government also contends no one intentionally misled the judge and jury and that only someone who was in the courtroom could have committed contempt.

"Nothing in the record developed to date suggests that any of the individuals identified in Wilson's motion for a contempt hearing, save prosecutor (Theodore) Greenberg, engaged in conduct relating to the Briggs affidavit 'in or near the presence of the court,'" the response says.

Neither Justice Department officials nor Greenberg returned calls from *The Associated Press* seeking comment.

Theodore Greenberg, now the head of the Justice Department's money laundering section, was the lead prosecutor in the Houston case and later became a deputy independent counsel in the case against Mike Espy, the former Clinton Administration agriculture secretary.

"This basically throws Greenberg to the wolves," Wilson's attorney, David Adler, said. "The Justice Department is saying that if anybody committed contempt, he did."

Adler was skeptical, however, the investigation will lead to any sanctions.

"If there's anything that the government is incapable of doing, it's investigating itself. OPR's record of investigating abuses by the Justice Department is abysmal," he said.

Washington defense attorney E. Lawrence Barcella, who spearheaded Wilson's capture as a Justice Department prosecutor, said the government response does not leave Greenberg exposed to contempt charges.

"The government is arguing that 16 of the people don't meet one of the elements of the offense, and the one that does meets that element but not the others," Barcella said.

In the early 1980s, Wilson was convicted in three federal courts of arms dealing and murder-for-hire and was sentenced to 52 years in prison.

Wilson, now in a federal prison in Pennsylvania, contends federal prosecutors knowingly presented a false affidavit swearing he "was neither asked or requested, directly or indirectly, to provide any services, directly or indirectly, to the CIA," after his 1971 retirement, except for one Libya-related assignment for which he was paid \$1,000.



AP photo

## Well remembered

Monticello Guard Club member Robert Varner places a wreath from President Clinton at Thomas Jefferson's grave in Charlottesville, Va. Thursday. The ceremony marked Jefferson's 257<sup>th</sup> birthday.

# Rains dampen Florida wildfires

NAPLES, Fla. (AP) — Heavy rains Thursday helped firefighters gain control of a huge wildfire burning swampland in southwest Florida and suppressed blazes elsewhere in the state.

Fire officials said 70 percent of the fire burning between Naples and the Big Cypress swamp was contained after it burned about 15,500 acres since Sunday. Another fire near Naples grew to four acres Thursday afternoon before it was doused.

"We've had some activity with fires kicking back up, but they've been able to control it very easily," said Gerry LaCavera, a Division of Forestry spokesman on the scene of the Naples blaze.

But mid-afternoon, areas of the biggest blaze

were being hit with driving rain, LaCavera said. The rain was not accompanied by lightning or erratic winds, which could worsen the fire.

Fire crews had stripped vegetation in a 20-mile fire line to contain the blaze and were working to add three miles Thursday. They were aided by 20 "smoke jumpers," a group of specially trained U.S. Forest Service firefighters based in North Carolina.